

THE KIAO-CHAU SETTLEMENT

3
2
3
3
3
3

May, 1919

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Contents

	Page
1. A Plea for Fair Play and Justice	1
2. The Declaration by the Chinese Peace Delegation	4
3. The Statement by the Chinese Press Bureau at Paris	7

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A PLEA FOR FAIR PLAY AND JUSTICE

BY THE CHINESE PATRIOTIC COMMITTEE
OF NEW YORK CITY

It is with deep regret to state that the "Big Three," now assembled at the Paris Peace Conference, have definitely decided to transfer by treaty the Chinese territory of Kiao-Chau, formerly held by Germany, together with certain railway and mining rights in Shantung to Japan without any stipulation as to when and how Kiao-Chau will be restored to China. There are many reasons why such a decision is unjust and contrary to the spirit of international law.

In the first place, the decision is unjust. Under the banner of liberty the Allies have fought steadfastly against oppression, barbarity, and cruelty. Carrying this sublime principle to its logical conclusion, the Allies assisted the subjugated peoples of Middle Europe not only in shaking off the yoke of their oppressors but in securing for them outlets to the sea, such as Danzig and Fiume. The same Allies, however, utterly refused to aid China, one of their active associates, in the recovery of a piece of territory which is her own; besides, they handed it to the grasping Japanese. It is, therefore, palpable that the Allies have not squared the facts with what they repeatedly declared to stand for, namely, justice.

Japan is an unprincipled nation. She has perpetrated innumerable notorious wrongs and cruelties upon the Chinese people in Chinese territory. If one spares a few minutes to read Karl Crow's book entitled "Japan and America," published in 1916, he will notice how Japanese soldiers stole goods from a

Chinese peddler and murdered the policemen coming to his rescue; how Japanese smugglers terrorized and robbed a number of villages in Manchuria; how Japanese soldiers shielded organized bandits and aided them in resisting the arrest by Chinese authorities (pp. 241-251). The Japanese Government not only connived at the perpetration of such wrongs, but actually encouraged them by shifting every responsibility upon the shoulders of the Chinese Government. This is not all. The atrocities committed by the Japanese military authorities in Shantung while their soldiers were en route to attack Tsingtao would be a great shock to civilization if they were vividly depicted to the world. It is unthinkable that a nation with such a criminal record should be given the control over any territory inhabited by a people with lofty ideas. In handing Kiao-Chau to Japan the Allies have done a great injustice not only to China, but also to humanity. It will handcuff the Chinese people and will impose upon them such cruelties as she had wantonly done in Korea and Formosa. The history of Japanese rule in Korea is replete with instances of a reign of terror.

Secondly, the decision is contrary to the spirit of international law. Kiao-Chau is, and has always been, Chinese territory. It was leased to Germany under duress in 1898. This lease was automatically abrogated by China's declaration of war upon Germany in 1917. China is, therefore, entitled to the restoration of Kiao-Chau. But it has been contended by the Japanese Government that China's declaration of war does not affect the status of Kiao Chau because it was made subsequent to the capture of that territory by Japan, and that Japan can hold it by military conquest. This contention is ridiculous. Kiao-Chau may be likened to a lost piece of property. So long as China retains the right thereto she can demand its return from the hands of any person who unlawfully holds it. The finder must return it no

matter how he came into the possession of it. In leasing Kiao-Chau to Germany, China retained sovereignty thereover, and hence she holds the title thereto. Now the lease is abrogated. And the natural and logical solution is to restore Kiao-Chau, including the harbour of Tsingtao to China. But Japan insists upon holding it by military conquest. It should be borne in mind that China is an ally of Japan in the broad sense of the term. Where does Japan derive the right to claim the territory from any moral or legal standpoints. If the Allies should establish a new rule of international law that an ally may hold the territory of another by military conquest, then by analogy the United States would be entitled to the Argonne section in Northern France, Great Britain to the section from Lille to Dunkirk. Of course, such a new rule would be a mockery, but this is exactly what has been applied to the proposed settlement of Kiao-Chau.

The facts set forth in the preceding paragraphs are simple and plain. On the strength of these plain facts we plead for fair play and justice. Every impartial, unbiased and liberal-minded observer will look upon the proposed Shantung settlement as a mere travesty upon justice because it is neither based upon principles of equity nor upon rules of international law—it is the result of whims, caprices, and strong desire on the part of the Allies to please Japan. We have always been under the illusion that justice and righteousness would reign in the new world order; but after all it is neither justice nor righteousness, but might that reigns supreme. We apprehend that the proposed Shantung settlement might become a contributing cause of another stupendous cataclysm if nothing is done to check it.

THE DECLARATION BY THE CHINESE PEACE DELEGATION

May 2, 1919

The Chinese delegation has been informed orally on behalf of the Council of Three of the outline of the settlement proposed regarding the Shantung question. Under this settlement all rights to Kiao Chau, formerly belonging to Germany, are transferred to Japan. While Japan voluntarily engages to hand back the Shantung peninsula in full sovereignty to China, she is allowed to retain the economic privileges formerly enjoyed by Germany.

These privileges, the delegation is informed, refer to the Tsing-tao-Chinan Railway, 280 miles long, the mines connected with it, and the two railways to be built connecting Shantung with the two trunk lines from Peking to the Yangtse Valley. In addition, she obtains the right to establish a settlement at Tsing-tao and, although the Japanese military forces, it is understood will be withdrawn from Shantung at the earliest possible moment, the employment of special railway police is permitted.

Such being the outline of the proposed settlement, the Chinese delegation cannot but view it with disappointment and dissatisfaction.

These German rights in Shantung originated in an act of wanton aggression in 1897, characteristic of Prussian militarism. To transfer these rights to Japan, as the Council of Three proposes to do, is therefore, to confirm an act of aggression, which has been resented by the Chinese people ever since its perpetration.

Such a virtual substitution of Japan for Germany in Shantung is serious enough in itself, but it becomes grave when the position of Japan in Southern Manchuria and Eastern Mongolia is read in connection with it. Firmly intrenched on both sides of the Gulf of Pe-chili, the water outlet of Peking, with a hold on the three trunk lines from Peking and connecting it with

the rest of China, the capital becomes but an enclave in the midst of Japanese influence.

Moreover, owing to China's declaration of war against the Central Powers on August 14, 1917, and the abrogation of all treaties and agreements between China and these powers, the German rights automatically reverted to China. This declaration was officially notified to and taken cognizance of by the allied and associated Governments. It is, therefore, significant that the Council in announcing the settlement of the Kiao-Chau-Shantung question referred to the rights to be transferred to Japan as 'the rights formerly belonging to Germany.'

It appears clear, then, that the Council has been bestowing on Japan the rights, not of Germany, but of China; not of an enemy, but of an ally. The more powerful ally has reaped a benefit at the expense, not of the common enemy, but of the weaker ally.

Besides, Shantung is China's Holy Land, packed with memories of Confucius and Mencius and hallowed as the cradle of her civilization.

If it is the intention of the Council to restore it to China, it is difficult to see on what consideration of principle or of expediency can be justified the transfer in the first instance to an alien power which then 'voluntarily engages' to hand it back to the rightful owner.

Japan based its claim for the German rights in Shantung also on the treaty and notes of 1915, and the notes of 1918 with China. It is to be noted, however, that the documents of 1915 were agreed to by China under coercion of an ultimatum threatening war in case of non-compliance with the twenty-one demands.

The notes of 1918 were made by China as the price for Japan's promise to withdraw her troops, whose presence in the interior of Shantung, as well as the establishment of Japanese civil administration bureaus

in the district, had aroused such popular opposition that the Chinese Government felt constrained to make the arrangement.

The Chinese delegation understands that the Council was prompted by the fact that Great Britain and France had undertaken in February and March, 1917, to support at the Peace Conference the transferring to Japan of the German rights in Shantung. To none of these secret agreements was China a party, nor was she informed of their contents when invited to join the war against the Central Empires. The fortunes of China appear thus to have been made objects of negotiation and compensation after she had already definitely allied herself with the allied powers.

Apart from this, it is at least open to question how far these agreements will be applicable, inasmuch as China has since become a belligerent. The claims appear, moreover, to be scarcely compatible with the Fourteen Points adopted by the powers associated against Germany.

If the Council has granted the claims of Japan in full for the purpose of saving the League of Nations, as is intimated to be the case, China has less to complain of, believing, as she does, that it is a duty to make sacrifices for such a noble cause as the League of Nations. She cannot, however, refrain from wishing that the Council had seen fit, as would be far more consonant with the spirit of the League now on the eve of formation, to call upon strong Japan to forego her claims animated by a desire for aggrandizement, instead of upon weak China to surrender what is hers by right.

China came to the conference with a strong faith in the lofty principles adopted by the allied and associated powers as the basis of a just and permanent world peace. Great, therefore, will be the disappointment and disillusion of the Chinese people over the proposed settlement.

If there is reason for the Council to stand firm on the question of Fiume, there would seem to be all the more reason to uphold the claim of China relating to Shantung, which includes the future welfare of 36,000,000 souls, and the highest interest of peace in the Far East.

THE STATEMENT BY THE CHINESE PRESS BUREAU AT PARIS

May 4, 1919

New light on the settlement of Kiao-Chau-Shantung question has made the Chinese delegation indignant. A member of the delegation stated that although three days have elapsed since the settlement by the Council was announced no details of the settlement had reached the delegation. While still waiting in suspense, the delegation has learned with surprise that clauses to be inserted in the peace treaty relating to Shantung go further than was even suspected.

Japan is given everything Germany obtained from China by aggression, and more. She is given all the rights, titles or privileges concerning especially the territory of Kiao Chau and the railways, mines and submarine cables Germany acquired by virtue of the treaty of 1898, and of all other acts concerning the Province of Shantung. Japan is given all the rights in the Tsing-tao-China Railway, its branches and the mines attached thereto, the submarine cables from Tsing-tao to Shanghai and from Tsingtao to Chefoo, and all German public property rights, movable and immovable in the territory of Kiao Chau.

Although China has the best title to these rights, which are all Chinese territory, not a word is said in the draft clauses as to what rights China may expect to recover for herself. It is entirely with Japan to say what she will be pleased to return to China, and what she will retain for her own enjoyment.

The important fact seems to be altogether ignored that Shantung is a Chinese province, the territory of a partner in the war on the side of the allied and associated powers. The Tsing-tao Railway was built with Chinese and German private capital, while the line of 280 miles is entirely in Chinese territory. To substitute Japan for Germany's rights in this territory is to endanger greatly the welfare and security of the Chinese Republic, because Japan is much nearer to China than Germany, and because she already claims a sphere of influence in Manchuria close to the north of Shantung.

Reading the draft clauses together with the outlines the Council has proposed in settlement, it is clear that the Council makes China lose both ways. It has given Japan not only more than Germany had in Shantung, but also more than Japan claims from China in the treaty of 1915 and the notes of 1918.

The Council's proposed settlement seems to sanction, for example, the policing of the Shantung Railway, a privilege which Germany did not exercise nor claim, and it is apprehended it substitutes a permanent Japanese settlement under Japanese control and administration for a German leasehold limited to a fixed period of years.

Again, by transferring to Japan all German rights in Shantung, as stated in the draft clauses, it also appears to give Japan preferential rights which she did not claim from China, such as the supply of capital, materials, and technical experts in Shantung.

The more the Chinese delegates study the proposed settlement, the less they understand its meaning and purpose, and the more they feel aggrieved. It will be difficult to explain to the Chinese people what the Peace Conference really means by justice.

IMPORTANT ANNOUNCEMENT

Owing to the absence of Mr. K. P. Wang, the Secretary of the Committee, please address all communications temporarily to

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